

MANY CASES FALL DOWN

Paulist Ezera Defiant.
chools, Sports,
ociety.

MAUI, April 15.—On Wednesday the jury of the Second Judicial Circuit was discharged by Hon. A. N. Kepoikal, presiding judge, after a very long session continuing with several intermissions from March 3.

On Saturday last the jury acquitted W. G. Scott of Walluku of the charge of selling adulterated liquors.

On Monday T. Awana of Makawao was acquitted of the charge of selling liquor without a license.

Tuesday and Wednesday were taken up with a civil case, a suit for \$5000 damages against Edgar Morton by Manuel d'Arruda of Kula. A similar suit against Hans Amundsen of Walluku was withdrawn. After two days of trial the case was not-suited on a motion of Acting Attorney General Heen.

Then the jury was paid off and discharged for the term, though the court sat on Thursday, trying divorce cases.

SAD TRAGEDY.

On Saturday last while Mrs. Naholowaa Wallace and her daughter, Helen, 16 years of age, were gathering ophiis (shell-fish) along the shore of a little bay beyond Walhee and near Kahakuloa, a huge wave coming in unexpectedly swept them out to sea to their death. The body of the girl was afterward recovered and a coroner's inquest was held on Monday under the direction of Deputy Sheriff Wm. Saffery of Walluku.

TEACHERS IN SESSION.

On Tuesday a teachers' meeting was held in the Makawao school house—teachers being present from the Spreckelsville, Paia, Keokea, Kealahou, Kapakapa and Makawao schools. The following program was rendered:

- 1—Geography in all grades.
- 2—Primary Arithmetic illustrated with class of pupils.
- 3—A Reading: Marcelin Berthelot's "The Promise of Science."
- 4—The Teaching of Manners.
- 5—Chalk Modeling.

In his talk on geography Mr. Dowdle recommended the use of Japanese gardens wherever sufficient water was available. The convention adjourned until June 5.

EZERA IS DEFIANT.

Rev. J. M. Ezera, who was last week arrested in Walluku charged with "common nuisance," has not yet been brought to trial though released on bail.

He seems to be sane enough, for he rejected with scorn the suggestion that he leave Walluku and return to Honolulu. He declared he would fight the case through all the courts of the Territory.

One striking peculiarity of the St. Paulists is that everything connected with their religion is draped with white. The converts are garbed in white and their place of worship, which at present is a room in Policeman Joe Kaneoh's house, is all decked with white—the walls, the altar, the whole interior being conspicuous for the whiteness of its appearance.

All Mr. Ezera's converts up to date in Walluku have been confined to one family and its connections.

POLO MATCH.

Last Saturday afternoon there was an exciting practice game of polo on the Sunnyside grounds, Paia. The teams played as follows:

Yellows—H. A. Baldwin, Fred. Baldwin, G. S. Aiken and C. C. Krumhaar.

Reds—L. von Tempsky, D. T. Fleming, E. Peck and J. Reed.

The score stood—5 goals to 4 in favor of the Reds.

By the Nebraska of last Saturday H. A. Baldwin of Hamakuaopoko received two very fine polo ponies which he purchased recently in California.

NOTES.

Kula is suffering from a three months' drouth. Cisterns are very low and the growing of crops much retarded.

There is some talk among Hawaiian residents of Walluku of forming another church—a second one to the well known Halli church.

On Thursday Miss Aoe Wong Kong was superseded as teacher of the Kihel government school by Mrs. Hofgaard, who recently taught on Kauai.

On Thursday James Lindsay of Hailuku conducted a party to the crater of Haleakala, consisting of Mrs. Ranney Scott and two other Honolulu ladies.

The members of Mrs. Kelley's Lahaina sketching party of last week were Mrs. R. Scott, Misses Anna Parke and Edith Alexander.

Miss C. M. Snow has resigned the principalship of Maunaloa Seminary and will depart for the coast on the 22nd. She will probably be succeeded, at least temporarily, by Miss Huser, one of the teachers at present employed at the school.

It is reported that Hon. F. W. Beckley of Molokai will run for sheriff of Maui county.

The Ladies' Aid Society met at Mrs.

D. C. Lindsay's, Paia, Tuesday afternoon.

On Tuesday Miss Carlson, who has been a resident of Makawao for six months past, departed for Hawaii to take a position as teacher in the Kona Orphanage school.

A reception to Rev. Mr. Bazata is being planned by the members of the Paia Foreign church.

SHIPPING AND WEATHER.

The steamer Nebraska which arrived in Kahului from Honolulu on Saturday departed with a cargo of sugar on the 12th for San Francisco.

The steamer Oregonian arrived in Kahului from Hilo on the 14th and will probably get away for the coast on Monday.

Weather—Several inches of rain during Thursday night and Friday morning. It is reported that some of this rain reached the parched Kula section.

U. S. GRAND JURY REPORT

(From Sunday's Advertiser)

About thirty indictments were returned by the grand jury in the United States District Court before Judge S. B. Dole yesterday morning. In several cases two or three persons are indicted jointly, and in others from two to four indictments are found against one person. "No bill" was the report on each of five cases investigated.

Eight indictments are for offenses connected with four postoffice in this Territory, the principal case being that of Rego, the late postmaster of Koloa. Following is the list of true bills:

Joseph Keawa, embezzlement of a postoffice money order of the value of \$600 and odd, from the postoffice of Hookea.

Manuel A. Rego, embezzlement of \$27,055 in United States postoffice money order funds while postmaster at Koloa, Kauai.

Manuel A. Rego, four counts unlawful issuing of postoffice money orders.

John P. Spalding, late assistant postmaster at Koloa, four counts unlawful issuing of postoffice money orders.

John P. Spalding, four counts unlawful presentation of postoffice money orders unlawfully issued.

David Maunaloa, forcibly entering and breaking into the postoffice at Laupahoehoe with intent to commit larceny there. Maunaloa has pleaded guilty in the Territorial court to larceny in the second degree.

Fred. Williams, embezzlement of \$590 from Puunene postoffice, Maui, while assistant postmaster.

Fred. Williams, six counts unlawful issuance of postoffice money orders.

F. C. Bertelmann (four indictments), impersonating a United States revenue officer with intent to defraud.

Yamashita and Kubo, illicit distilling in Kona.

Sugay Kasu (female), illicit distilling in Kailhi.

Morita (Haula) concealing distilled liquors on which tax had not been paid.

Tanaka (Haula), illicit distilling.

Oyama, 1, selling distilled spirits; 2, illicit distilling.

Fukuda, selling distilled spirits; 2, illicit distilling.

Salto, Umeda and Hironaki, 1, entering a railroad train with intent to commit unlawful violence on a passenger; 2, conspiracy to commit the same crime.

Wong Loy, selling a person into a condition of involuntary servitude.

Lau Wai Long, alias Lau Hee, holding to involuntary servitude a person sold into that condition, viz., a Chinese girl about 17 years of age.

Yoshimura, Kusaba and Nebo Yamashita, severally, adultery.

Fusayo Ougi, bigamy, having intermarried with the aforesaid Nebo Yamashita.

Nakagawa and Tsunekl Maki, selling into a condition of peonage a Japanese woman. Tsunekl Maki, adultery.

Y. Kimura, mailing obscene matter.

Those against whom no bills were found were Jos. S. Perry and G. Periera, alias Brelhaute, for connection with the Koloa postoffice defalcations—Periera being a brother-in-law of Rego;

Yuen Hing, selling a woman in servitude; Chong Chung Yuen, the same; Lun Tai, the same. Nothing could be done in the last three cases because the statute of limitations for the crime named had run.

The grand jury adjourned until Tuesday.

DECISION BEARING ON CROWN LANDS

In a unanimous opinion written by Justice Wilder, the Supreme Court answers in favor of plaintiff questions reserved from the First Circuit Court in the ejectment suit of Agnes C. Galt vs. Lulia Waihanua, Ballou & Marx for plaintiff; Castle & Withington for defendant. Following are the law findings, the case being remanded to the Circuit Court for further proceedings consistent with the opinion:

"Land in dispute not included in Royal Patent Grant 1629.

"Adverse possession of crown lands from 1873 to the present time cannot be shown.

"Proceedings on which Land Commission Award and Royal Patent Grant issued held not admissible in this case."

This decision has an important bearing on claims of interest in crown lands. It quotes the law of 1865 which put a stop to the alienation of those lands by the sovereign, also the Republic of Hawaii's constitution, 1894, making them part of the public domain.

W. H. Heen, who represented the Attorney General at the Walluku term, returned to town in the Claudine.

AN EXTRA SESSION SURE TO BE CALLED

Legislature Cannot Finish Up Its Work in the Sixty Days, and the House at Least Doesn't Want to.

(From Monday's Advertiser)

The Legislature made it a short day on Saturday, but in the Senate, at least, there was shown a disposition to try to meet the Governor's views on county government, in that the two bills introduced by Dickey with a view to meeting the views of the Executive amending the county law, were passed on second reading. It is a part of the plan agreed upon that the Senate shall take the lead in this matter. Whether the House will hold to the understanding when the bills come before that body, is another matter.

The leprosy problem was aired again in the House Saturday on a resolution by Coelho. Otherwise, the lower body had a quiet day.

It is conceded that the Legislature cannot finish up its work in the sixty days provided by law for the regular session. The appropriation bills have not made their appearance yet, and fifty days are gone. There is, in fact, a decided sentiment, in the House, at least, against finishing up the work in the statutory time. It is equally certain that the Governor will not grant an extension of the session. It follows that there must be an extra session, for the consideration of the appropriation bills. Whether this will come at once at the end of the sixty days, or whether the statesmen will be given a short season to brood upon their work, is about the only doubtful factor in the proposition, now.

LEGISLATURE—FIFTY-FIRST DAY.

THE SENATE.

The Senators eased up a bit on the pressure Saturday, and made half a day a day on the fiftieth of calling to order. But they passed on second

reading, for all that, the two Dickey bills drawn in the attempt to make the scheme of county government fit the wishes of the Governor to keep the collection of revenues in the hands of

FLASH TEST FOR FUEL OIL.

The Honolulu Board of Fire Underwriters have had the subject of the proper flash test for fuel oil under consideration for a number of months past.

Arguments were presented to us in favor of making the test 150 degrees.

We made full investigation of the subject, and found that 110 degrees is the highest test in any of the cities or states of the United States.

We communicated with the Board of Fire Underwriters of San Francisco, and they informed us that the test was 110 degrees in San Francisco.

We felt that owing to the continuous warm weather in Hawaii it had better be as high as 120 degrees here, and passed a resolution to that effect.

The bill now before the House, fixing the flash test at 120 degrees, has the approval of the Board of Fire Underwriters. I consider that a flash test of 150 degrees is unnecessarily high.

J. A. GILMAN,

Vice-President Board of Underwriters of the Territory of Hawaii.

I am opposed to fixing the flash test of fuel oil at anything above 120 degrees. I think that is higher than necessary, but am willing to accept that figure as a compromise.

Alexander and Baldwin made exhaustive investigations on the subject of fuel oil before they made contracts, both on the points of efficiency and safety. They finally closed contracts for five years, for the Haiku, Paia, Hawaiian Commercial, Kihei and Kahuku Plantations.

The class of oil which we bought is the high grade, low flash test oil. We believe it to be the best oil there is in the market for fuel purposes. We were so advised by experts, and have demonstrated by two years use that it is a good safe oil.

We have had no accidents with the oil, caused by its quality. One accident at Kihei was caused by a leaky pipe, and had nothing to do with the quality of the oil.

The object of those promoting a high flash test is not the safety of the public but to shut out a competing company.

J. P. COOKE,

Manager, Alexander & Baldwin, Ltd.

I am wholly opposed to the proposition to fix the flash test of fuel oil at 150 degrees.

The Ewa and Waialua plantations are using oil that flashes at far less than that, and they have never had an accident with it.

Two shiploads of fuel oil for our use came this week, which flashed at 128 degrees, I am informed.

We are using this grade of oil because we believe it is the best, and because we believe it is perfectly safe.

I believe that 120 degrees is more than safe, and the test should under no circumstances be made higher than that.

I saw by the papers that the Standard Oil Company was said to be in favor of the 150 degree test. I accordingly called upon Mr. Miller, the Pacific Coast Representative of the Standard Oil Company, while in San Francisco, and asked him, his opinion as to what flash test should be adopted on fuel oils in Hawaii. He told me that he considered it absurd to make the flash test of fuel oil higher than kerosene, as the latter was used in homes, by ignorant people, while fuel oil was used only in furnaces, by professional engineers and firemen.

The only ones whom I know of who are trying to raise the test to 150 degrees are the Pacific Oil and Transportation Company.

E. D. TENNEY,

Manager Castle & Cooke, Ltd.

the Territory, and so preserve the public credit.

All the Senators were in their places when their names were called, and President Isenberg looked as fresh as a daisy—a large, and handsome one, after his long tramp over the Paia Friday afternoon. The usual batch of communications was received from the House at the opening of the session.

COMMITTEE REPORTS.

From the Miscellaneous Committee Wilcox reported favorably on Senate Bill 136, the Dickey bill to protect the owners of bottles. Laid on the table to be considered with the bill. This passes the bill on second reading. It will be read for the third time on Monday.

The Judiciary Committee reported favorably on House Bill 153, to provide for the probate of wills. The report was adopted and the bill will be read for the third time on Monday.

From same committee Achi reported favorably on Senate Bill 124, increasing the salaries of circuit judges. Lane and Dickey did not concur. Report laid on the table to be considered with the bill.

From the Judiciary Committee Dickey reported adversely on House Bill 75, recommending that it be tabled. The report was laid on the table to be considered with the bill.

The order of the day then came on the consideration of the Governor's veto of the Hilo high school bill. Brown made a speech in Hawaiian, pleading that the veto be overridden, and Hewitt also made a plea for the bill. Dickey made a speech against the bill, basing his opposition on expense, and then the vote came as follows on the motion to override the veto:

Ayes—Achi, Bishop, Brown, Dowsett, Gandall, Hayselden, Hewitt, Isenberg, Kalama, Lane, McCandless, Paris, Wilcox, Woods—14.

No—Dickey.

WANT HIGHER INTEREST.

For a committee of the Merchants' Association and the Chamber of Commerce Bishop introduced a petition by consent, asking for the passage of House Bill 45, to facilitate the collection of accounts. The petition went to the Ways and Means Committee.

A second petition from committee of the Merchants' Association and the Chamber of Commerce, also presented by Bishop, extended hearty approval of House Bill 180, raising the legal rate of interest from six to eight per cent. The report was laid on the table to be considered with the bill.

Senate Bill 138, the Dickey bill to provide funds for the maintenance of counties, passed second reading after being amended so as to take effect on the first day of July. It will be read for the third time today.

"They can easily fix it in the House if they change the time for inaugurating county government to January 1," said Dickey.

Senate Bill 139, the Dickey bill to amend the County Act so as to leave the collection of taxes in the hands of the Territorial officials, was read for the second time and passed. It will be read for the third time today.

COMMITTEE REPORTS.

The Judiciary Committee reported favorably on Senate Bill 134, repealing laws in conflict with the Edmunds act. The report was adopted and the bill will be read for the third time today.

The Judiciary Committee reported in favor of tabling House Bill 167, a measure of similar nature already having been vetoed. The report was adopted.

The Judiciary Committee reported favorably on House Bill 185, giving courts power to lock up jurymen. The report was laid on the table to be considered with the bill.

The Judiciary Committee reported unfavorably on House Bill 180, to raise the legal rate of interest from six to eight per cent, recommending that the bill be tabled. Report laid on the table to be considered with the bill.

Senate Resolution No. 5, the Lane joint resolution to give the Catholic church the right to hold lands, was read for the third time and passed without dissent.

Senate Joint Resolution No. 6, permitting the Treasurer to transfer certain sums to the land fund, passed second reading and will be read for the third time today.

LOCAL OPTION LAW PASSED.

The Judiciary Committee reported favorably on House Bill 108, amending the jury law.

Senate Bill 2, the local option bill, was next in order on third reading. The bill passed, Brown, Gandall, Hayselden and Woods voting against it.

Senate Bill 123, the departmental emergency appropriation bill, to cover expenses until July 1, was deferred on third reading until today, on a question as to whether the salary of the Secretary of the Board of Education should be raised to \$225 a month for May, June and July. The bill carried appropriations amounting to \$35,425.20.

Senate Bill 126, the Achi bill to make the new part of Oahu jail a prison for misdemeanants, passed third reading without dissent.

Senate Bill 135, to protect the public from automobiles, on third reading, was amended so that automobile drivers or owners shall be compelled to pass an examination as to their fitness and was passed without dissent.

House Bill 94, providing for the widow's election of dower, passed third reading, McCandless alone voting against it.

House Bill 146, for establishing fire departments at Wailuku and Kahului, passed third reading without dissent, and the Senate adjourned until today.

THE HOUSE.

Saturday was a sort of off-day with the House of Representatives, for there was a limited attendance which did not at all tally with the official roll-call and the main portion of the proceedings were principally routine.

Perhaps the most important feature of the proceedings was a joint resolution introduced by Coelho respecting the lepers. He moved that three physicians be employed by the Health Committee to examine Mrs. Makani and the leper suspects at the Kalih station, and also that three physicians be employed to examine such patients at Kalaupapa as may wish to be ex-

ASCENDED MAUNA LOA

**Distinguished Mountain
Climber Strongly
Impressed.**

"The silence and desolation on the summit of the great mountain of Mauna Loa is appalling, but it is grand and impressive."

Such is the conclusion of Henry G. Bryant of Philadelphia, President of the Geographical Society of Philadelphia, Secretary of the American Alpine Club and Fellow of the Royal Geographical Society of London, who returned in the steamer Kinau last Saturday from a trip to the volcano of Kilauea, Hawaii, and a special trip from there to the great but presently inactive crater of Mokuaweweoe, on the extreme summit of Mauna Loa, more than 13,000 feet above the level of the sea.

Mr. Bryant has traveled all over the world and has climbed to the great heights. His most recent exploit was to ascend Popocatepetl in Mexico. He has gone to the summit of the Alps by the most dangerous routes, as well as to the peaks of the highest ranges in the Himalayas and America.

Mr. Bryant went to Kilauea two weeks ago, where he enjoyed the hospitality of Demosthenes at the Volcano House. He visited Kilauea several times and then expressed a desire to ascend Mauna Loa. The average resident of the Hawaiian Islands knows the great difficulties to be overcome in ascending Mauna Loa, of the great masses of rough and bristling lava beds to be crossed, of the lack of water, the absence of vegetation for fodder, of the sufferings which horses have to undergo, of the extreme cold which one encounters at the summit, and the difficulty of breathing in that rarified region.

The traveler in this case secured the services of two of the veteran and most trusted volcano guides. They took along three horses. The party was three days and nights on the journey, and it was found to be as difficult as it had been reported.

The great hummocks of lava, with a-a and pahoehoe flows, were traversed slowly. At night the party camped on the edge of the timber line, and resumed the climb the next morning. On arrival at the crater of Mokuaweweoe Mr. Bryant spent some time inspecting the great hole. In the deep silence of that upper region he was impressed with the great rent in the mountain. He followed along the line of the lava flow of 1899. He had a great desire to descend the crater, but the guides refused to permit him to do so, owing to a superstitious fear that the wrath of Madam Pele would be visited upon them all for entering her abode.

"One of the most beautiful sights I have ever seen in my experience," said Mr. Bryant yesterday, "was the sunrise seen from the top of Mauna Loa. Below us was a sea of clouds, and as the sun arose and peered over the fleecy mass the radiating beams and color were something beautiful to behold. And it was the same with the sunset. One would imagine that the summit of Mauna Loa is something of a peak and when standing on it one could look down upon the remainder of the island in any direction. The top is almost a table land and to see any lower portion of the island you have to go out on the slopes."

Mr. Bryant recorded his Mauna Loa experiences in the Volcano House record book.

amined, with a view to releasing them if they are found to be free of the disease.

THE NEW RULING.

Under the new ruling of President Isenberg and Speaker Knudsen which requires every joint resolution to pass three readings, the resolution was read a first time.

HOUSE CONCURRED.

By a vote of 17 to 8 the House concurred in the Senate amendment to the bill relating to farriers' licenses, reducing the license fee from \$10 to \$5.

PLUMBING DISTRICT.

The Committee on Public Lands and Internal Improvements recommended the passage of the bill defining the plumbing district of Honolulu and establishing regulations for the plumbing and drainage of buildings and the construction of house sewers. Minor amendments were suggested.

The Police Committee submitted a report on the bill relating to fast driving over bridges, recommending its passage.

The Police Committee recommended that Ah Nam be repaid \$25 bail which had been retained by error.

House Bill 188, regulating and licensing trades and House Bill 199, respecting licenses, were ordered taken from the Judiciary Committee and brought up in the House today.

The Committee on Public Expenditures recommended the tabling of the resolution for the reimbursement of W. E. Shaw for the loss of a horse which fell through a hole in Makaalehua bridge.

The Public Expenditures Committee recommended that the resolution to reduce the price of the Revised Laws from \$10 to \$5 be tabled. The first cost of the book, it was stated, was \$7.96, and the government hardly comes out even on the publication as it is.

AN AGRICULTURAL COLLEGE.

The Education Committee reported unfavorably on the bill to establish and locate an agricultural college and model farm. The committee took the view that the Lahainalua Seminary, if the proposition of the superintendent is carried out, will accomplish to a large extent the objects of the bill. The House adjourned at 11:50.